

Exhibit 19

McGuireWoods LLP
World Trade Center
101 West Main Street
Suite 9000
Norfolk, VA 23510
Tel 757.640.3700
Fax 757.640.3701
www.mcguirewoods.com
Robert W. McFarland
Direct: 757.640.3716

McGUIREWOODS

rmcfarland@mcguirewoods.com
Fax: 757.640.3966

November 28, 2022

BY EMAIL

Alan D. Wingfield, Esq.
alan.wingfield@troutmansanders.com
Michael E. Lacy, Esq.
Michael.lacy@troutmansanders.com
Massie P. Cooper, Esq.
Massie.cooper@troutman.com
Troutman Pepper, LLP
1001 Haxall Point
Richmond, VA 23219

Tara Lee Reinhart
tara.reinhart@skadden.com
Thomas Robert Gentry
thomas.gentry@skadden.com
Skadden Arps
1440 New York Avenue, N.W.
Washington, D.C. 20005-2111

John C. Lynch, Esq.
john.lynch@troutmansanders.com
Kathleen M. Knudsen, Esq.
Kathleen.knudsen@troutman.com
Troutman Pepper, LLP
222 Central Park Avenue, Suite 2000
Virginia Beach, VA 23462

Re: *CSX Transportation, Inc. v. Norfolk Southern Railway Company, et al.*
Civil Action No.: 2:18-cv-00530-MSD-RJK

Dear Counsel:

We appreciate everyone coming to our office this morning for the attorneys' conference. Although obviously much of the parties' final positions on witnesses, deposition designations and exhibits remain dependent upon the Court's rulings on pending motions, I thought we accomplished a good deal.

One thing which I forgot to raise, though, was the status of NS employee Greg Leubbers availability as a witness. It is our understanding Mr. Leubbers is still employed by NS, but is beyond the Court's subpoena power. Mr. Leubbers is not listed on either of the Defendants' witness lists. Assuming that is not an oversight, would Norfolk Southern agree to accept a subpoena and bring him to trial if CSX pays his travel expenses? If Mr. Leubbers is not coming to trial in any capacity, then CSX will use his deposition testimony as an unavailable witness under Rule 32(a)(4)(B).


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We would appreciate it if you would advise us of Mr. Leubbers' status by close of business on Wednesday, November 30, 2022.

Thank you for your attention to this matter. With best wishes, I am

Sincerely yours,



Robert W. McFarland

RWM:kyw

CC: James L. Chapman, IV, Esq. (jchapman@cwm-law.com)
W. Ryan Snow, Esq. (wrsnow@cwm-law.com)
Darius K. Davenport, Sr. Esq. (ddavenport@cwm-law.com)
Alexander R. McDaniel, Esq. (amcdaniel@mcwm-law.com)
Benjamin L. Hatch, Esq. (bhatch@mcguirewoods.com)
J. Brent Justus, Esq. (bjustus@mcguirewoods.com)
V. Kathleen Dougherty, Esq. (vkdougherty@mcguirewoods.com)
Ashley P. Peterson, Esq. (apeterson@mcguirewoods.com)
Jeanne E. Noonan, Esq. (jnoonan@mcguirewoods.com)
Stephanie N. Hunter, Paralegal (shunter@cwm-law.com)
Armond Joyner, Legal Assistant (ajoyner@cwm-law.com)
Jana Stone, Paralegal (jana.stone@troutman.com)